

LETTER

FROM

WILLARD P. HALL, OF MISSOURI,

TO

HON. ALPHEUS FELCH,

*Chairman of the Committee on Public Lands, United States Senate.*

WASHINGTON, JANUARY 17th, 1850.

SIR: Permit me to call your attention to a bill entitled "An act to grant to the State of Missouri the right of way and a portion of the public lands, for the purpose of making a railroad from the town of Hannibal to the town of Saint Joseph," which was introduced by the Hon. DAVID R. ATCHISON into the Senate of the United States on the 3d instant, and by that body referred to the committee of which you are chairman. A similar bill passed the Senate at the first session of the Thirtieth Congress, and failed in the House of Representatives by a very few votes. The importance of the Hannibal and Saint Joseph railroad to the people of Missouri, and the favor it has heretofore received from Congress, are deemed sufficient reasons for pressing it upon the attention of your committee.

That Congress may constitutionally make the grant proposed by the bill above cited, provided it can be done without pecuniary loss to the Government, cannot be fairly denied. The often mooted question, whether the public domain can be disposed of for purposes not enumerated in the Constitution of the United States, or not necessary to carry into effect the powers expressly conferred by that instrument, does not properly arise in the present instance. All that is proposed is, to sell to the State of Missouri a part of the public lands for such considerations, and such alone, as are confessedly constitutional. The very terms of the bill require that State, in the event of the perfection of the grant, to transport troops, stores, &c., of the Federal Government over the proposed road free from all charge, and to carry the United States mail upon the most moderate terms. How, then, can it be said that the bill is not within the scope of that clause of the Constitution which gives to Congress the power "to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States?" No particular mode of disposition is here pointed out. The character of the power must, from its very nature, leave much to the discretion of Congress. It is certain that the territory may be disposed of in many ways and for many purposes. It may be disposed of to individuals, to corporations, or to States; or it may be disposed of for money, or for services that are constitutional and proper. And it would seem to be equally certain, that the transportation of the United States mail, troops, and property, are services that strictly fill that measure.

The bill under consideration is believed to be in exact analogy to a clause that has been inserted in all the acts admitting new States into the Union out of territory belonging to the United States, and the constitutionality of which has never been denied or questioned. I allude to the clause pledging five per cent. of the proceeds of the sales of the public lands within the new States of the Northwest, the West, and Southwest, except Texas, to the construction of internal improvements within their limits.

The consideration for that pledge is the stipulation of those States not to tax the public domain situated within their jurisdiction. The clause referred to has received the sanction of all of our Presidents, from Jefferson to Polk inclusive; and I repeat that it has never been objected to as violative of the Constitution, so far as it related to the appropriation of the land thereby affected. If, then, Congress has the right to dispose of a part of the public lands to a State for the purpose of constructing internal improvements, by the act admitting it into the Union, why may not the same body do the same thing after the act of admission has taken effect? The only ground on which any distinction can be made in the two cases is, that the provisions relating to the five per cent. of the proceeds of the public lands, are in the nature of compacts made with the new States *at the time of their becoming members of the Union*. This ground of itself assumes that Congress can make compacts with States coming into the Union, which it is unconstitutional to make with them after their admission. Otherwise it has no force, for the grant now asked by the State of Missouri is to be made only upon conditions which are as much in their nature compacts, as the provisions contained in the act authorizing the people of the Missouri Territory to form a State constitution. It is not necessary here to examine the question as to the right of Congress to impose conditions upon a State applying for admission into the Union, which would impair its equality as a member of our Confederacy. But whatever may be the opinion upon that subject, it surely will not be maintained that Congress can, by any compact or agreement with such a State, acquire any more extensive powers over the common property of the nation, than it would otherwise possess. The States forming the Constitution stipulated that Congress should have power to dispose of the public lands. This is all the power conferred upon Congress with reference to that kind of property. And that power cannot be enlarged except by the Legislatures or Conventions of three-fourths of the States. If it be admitted that by a compact with a State applying for admission into the Union, Congress can acquire power over the public lands within the limits of such State, greater than it possesses over the other lands of the nation, then the Constitution of the United States can, in effect, be altered by the Legislature or Convention of a single State in a most important particular—a proposition which, I trust, we are not yet prepared to sanction.

But the acts of Congress appropriating five per cent. of the sales of the public lands to works of internal improvements within the new States, are not the only acts which recognize the propriety of granting public lands to the States in which they are situated for such purposes. Numerous laws have been enacted by the Congress of the United States similar in every respect to the one now proposed. It will be labor wasted, perhaps, to cite all of those laws. A few of them only will be mentioned,—those alone which, having received the sanction of the late President of the United States, will show that the most strict constructionists of the Constitution have considered the grant of lands to the new States, to aid them in the making of works of intercommunication, both wise and proper. In the year 1828, Mr. Polk, then a member of the House of Representatives, voted for a bill granting four hundred thousand acres of land to the State of Alabama, for the purpose of improving the navigation of the Tennessee river. On the eighth day of August, 1846, he, as President of the United States, approved an act “granting to the Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines river from its mouth to the Racoon Fork (so called) in said Territory, one equal moiety, in alternate sections, of the public lands, \* \* \* in a strip five miles in width on each side of said river;” and in 1849 he approved a bill granting to Louisiana a large tract of public lands, for the purpose of throwing up levees along the water courses of that State. Numerous other precedents might be brought forward; but it

is believed that enough have been quoted to demonstrate that acts such as Missouri now desires, have repeatedly received the sanction of the nation heretofore, and that members of all parties have acquiesced in their justice and propriety. Is there any good reason why the rule which has been established through a succession of so many years, should be departed from in the present instance? This question at once suggests another: Of what importance will the Hannibal and Saint Joseph railroad, when constructed, be to the Government and to the Union? I answer, that it will be important to the Government, by furnishing a rapid and cheap mode of transportation for troops, military stores, and the United States mail, and by rendering saleable public lands that are now "*a drug in the market.*" It will be important to the Union, by developing the resources of an extensive and fertile section of the country, and by forming an important link in the great chain of communication between the Atlantic and Pacific Oceans. And first as to the importance of the proposed road to the Government. Fort Leavenworth, a post belonging to the United States, is situated on the west bank of the Missouri river, about thirty miles south of the town of Saint Joseph. The two Government forts on the route to Oregon and California are situated nearly due west of the same town. The supplies for Fort Leavenworth are chiefly taken from St. Louis up the Missouri river, in steamboats. The supplies for the other two forts that have been mentioned, are also taken from St. Louis up the Missouri river to Saint Joseph, or some place in that vicinity, and thence transported by land to their final destination. It cannot be doubted but that the Government will hereafter obtain a larger portion of the flour and pork consumed at the forts enumerated from Upper Missouri, than it does at present. But all the arms and accoutrements of the soldiers, all the military stores, all the tents and wagons used by the Government at these stations, and all the parts of the ration, except flour and pork, will continue to come from the same sources whence they are at present procured, viz: from the eastern and southern parts of the Union. Now, it is no more expensive to transport stores from the eastern cities to Hannibal, and but little more expensive to transport them from New Orleans to Hannibal, than it is to transport them from the same points to St. Louis. By the bill under consideration, the State of Missouri is required to transport all Government troops and supplies from Hannibal to Saint Joseph, free of charge. In other words, the State of Missouri stipulates, for and in consideration of the proposed grant, to transport all troops and property of the United States, at her own expense, across her entire territory—a distance of about two hundred miles. The saving thus to be effected to the Government is, for the reasons already offered, the same it would otherwise pay for transportation on the Missouri river. The exact amount of this saving cannot now be ascertained; but a tolerable approximation to it can be made from data heretofore furnished by the Quartermaster General of the United States. The whole cost of Government transportation from St. Louis to Fort Leavenworth, by way of the Missouri river, for the five years ending the 31st of December, 1847, was as follows:

In 1843	-	-	-	-	-	-	-	\$3,058 03
1844	-	-	-	-	-	-	-	853 97
1845	-	-	-	-	-	-	-	2,094 80
1846	-	-	-	-	-	-	-	17,825 54
1847	-	-	-	-	-	-	-	17,647 70
Total for five years	-	-	-	-	-	-	-	<u>41,480 03</u>

This statement is taken from Senate report No 178, of the first session of the Thirtieth Congress, and it shows that the Government of the United States expended more than eight thousand dollars a year, on an average, for transportation from St. Louis to Fort Leavenworth alone, by way of the Missouri river, during the five

years ending with 1847. The war with Mexico having commenced in 1846, the above table shows a larger expenditure than would be required for the same purpose in a time of peace. If, however, we take the statement for the years 1843, 1844, and 1845, as presenting a fair average of the ordinary cost of Government transportation from St. Louis to Fort Leavenworth, we will find that that item of expenditure amounts to about two thousand dollars a year. But the posts upon the route to California and Oregon have been established since 1847. Each of these posts will require at least as large an amount of supplies of all kinds as Fort Leavenworth; and consequently the transportation of the supplies, &c., for the posts upon the Oregon and California route, from St. Louis up the Missouri to the point whence they are transported in land carriages will be at least four thousand dollars annually. As the proposed bill requires the State of Missouri to defray the whole of that expense, as well as the expense of similar transportation from St. Louis to Fort Leavenworth, the construction of the Hannibal and Saint Joseph railroad will save to the United States a very considerable amount—a saving equivalent to an annuity of at least six thousand dollars paid by the State of Missouri to the Federal Government. This result follows from the estimates already made. But those estimates are manifestly much too low. For, in the first place, the supplies for our troops in New Mexico are taken from St. Louis up the Missouri river. Those supplies will for years, no doubt, be as great as the supplies for Fort Leavenworth and the Oregon and California posts; and, therefore, the transportation of them from St. Louis up the Missouri river will cost the Government several thousand dollars a year. All this expense will be borne by the State of Missouri, in the event of the passage of the present bill; for Saint Joseph is nearly as convenient a place from which to leave the Missouri river for New Mexico as any other. Besides this, it would seem certain, if any regard is to be had to the wants of our people, that still other posts will be established, in the course of a few years, west of the State of Missouri, on the route to our Pacific possessions. These posts, if things remain as they now are, must receive their supplies by the way of the Missouri river, in the same manner that the present posts upon that route are supplied. All the cost of that transportation will likewise be borne by the State of Missouri, upon the completion of the Hannibal and Saint Joseph railroad. Hence, in the item of transporting Government troops and stores alone, the State of Missouri will pay in services for the proposed grant of land not less than \$10,000 or \$12,000 annually. In addition to this, the same State agrees, upon the making of the proposed grant, to transport the United States mails over the projected road, at the lowest price charged by other railways in the United States for similar service. What saving this will be to the Government, I cannot say. But upon reference to the reports of the Postmaster General for some years past, it will be seen that the highest charges of railroad companies, for carrying the mail, are exorbitant. Hence a stipulation on the part of the State of Missouri to transport the mails over her railways at moderate charges, must be a matter of very considerable importance to the United States. These are the direct and immediate services, that the State of Missouri stipulates to render for the grant she asks. And now, what is the extent of that grant? According to Senate report No 178, of the first session of the thirtieth Congress, the whole amount of public lands within six miles of the route of the Hannibal and Saint Joseph railroad is 640,362 acres. The bill under consideration proposes to give the State of Missouri one-half of those lands. So that the grant I am urging amounts to but 320,181 acres. If the Government received no other returns for these lands than those above set forth, it is submitted that it would receive a fair equivalent. But it will receive other and most important returns. The lands retained by the United States are not to be sold for less than two dollars and fifty cents per acre. That is, we grant to the State of

Missouri 320,181 acres of land, and double the price upon the same quantity of land which we retain. If the land retained should under this arrangement bring \$2 50 an acre, it is evident that the Government would lose nothing by the grant, even if the State of Missouri should render no services in return for it. Would the land retained bring this increased price? I answer yes, and give the following as the reasons for my opinion: In the first place, the lands along the route of the proposed road are for the most part of an excellent quality, well adapted to all the purposes of agriculture. But being inconvenient to market, they have remained unsold for more than twenty years after being subject to private entry. Now, it is believed that in no State of the Union are lands of even an ordinary quality, immediately upon the line of any great railroad, worth as little as two dollars and fifty cents an acre. In the next place, the records of the Land Office show that nearly all of the lands in the Platte purchase have been sold to private individuals. That purchase lies along the Missouri river, on both sides of the route of the proposed road, and is about one hundred miles in length from north to south, and of a mean width of about twenty miles. The Platte purchase was obtained from the Indians in 1836, and is now chiefly entered. It is confidently asserted that there are no good, nor even tolerable lands in the Platte purchase within six miles of the Missouri river, that are not worth more than four dollars an acre. Why is this, whilst lands more in the interior of our State will not bring the minimum price of the public lands? It is because those lands are convenient to a great commercial channel and thoroughfare, while the lands more inland are almost inaccessible to market. But if a railroad should be opened through the lands of the interior, then they would be more convenient to market than the Platte lands, and their value would at once be greatly augmented. This is no new theory gotten up for the occasion. But it is one that is fully sustained by experience with reference to all great internal improvements within the United States, and one that every rational mind will at once readily and fully appreciate. But further than this, the lands which are reserved to the Government by this bill are not the only lands that will be affected by the construction of the proposed road. All the public as well as private lands within fifteen or twenty or even more miles of the road, will be affected by its construction. Their value will be appreciated; and thus lands that have been in market nearly a quarter of a century without a bidder, will be sold, improved, and cultivated. Let it not be said that the tendency of an increased sale of public lands in the State of Missouri will be to diminish similar sales elsewhere. Every year we bring into market large quantities of new lands. Who will say that this policy, which has been pursued so long by our Government has had the effect to retard the growth of any of the new States? Who will say that bringing lands into market in the State of Indiana, was a drawback upon the growth of Ohio? Who will say that bringing lands into market in the State of Illinois, retarded the progress of Indiana? The truth is, (and history proves it,) that whatever hastens the settlement of any one of the new States, tends necessarily to hasten the settlement, and consequently increase the sale, of the public lands in every other new State. It is settlement which gives to our public lands their chief value. As soon as any portion of our public lands are settled, they appreciate in value, and the appreciation of the lands that are settled, at once appreciates the value of the unsettled lands in the same neighborhood. It is thus that the increased value given to the lands of Ohio by the rapid settlement of that State, increased the value of the lands in the State of Indiana, and the settlement of Indiana retroacted upon the value of the lands of Ohio, and still further hastened settlements within the limits of the latter State. What has been true with regard to the two States last mentioned, has been true with regard to all the other new States, and will be true with regard to all the new States yet to be formed out of our immense public domain. If

all the country between the Alleghanies and the State of Missouri were a wilderness how valueless would be the lands within her limits! And if the States which border upon Iowa were as densely populated as the States of New York and Pennsylvania how valuable would be the lands within the limits of that young Commonwealth! This view, it is conceived, is sufficient of itself to remove the apprehension entertained by some, that any increase of the sale of the public lands in the State of Missouri will necessarily tend to diminish the sales of the public lands in other quarters. But this is not all. A large portion of the increased sales of the public lands in Missouri, to be effected by the construction of the Hannibal and Saint Joseph railroad, will be to citizens of that State who now own small tracts of land near the line of the proposed work, but are indisposed, under present circumstances, to make an addition to their estates on account of the difficulty and expense of reaching market with their produce. But as soon as a market shall be opened to them, every motive will be presented to induce them to enlarge the extent of their farms. And hence they will not only open more land upon their present possessions, but they will buy more land from the United States; and thus the revenues of the Government will be augmented without injury to any, and with great benefit to all.

So much for the advantages that are likely to accrue to the Government from the passage of the bill under consideration. A few words as to the probable effects of that bill upon the Union, and I will draw this communication to a close. The channels by which the produce of Northern Missouri reaches market, are the Missouri and Mississippi rivers. The town of Hannibal is situated on the Mississippi river, about one hundred miles north of the city of St. Louis, and the town of Saint Joseph is on the Missouri river, almost directly west of Hannibal. By reference to the map, it will be seen, that a straight line connecting the towns of Saint Joseph and Hannibal will pass through a section of country, much of which is fifty miles and upwards from the Missouri and Mississippi rivers. The expense of hauling produce fifty miles to a shipping point, through a country badly supplied with roads, is so great as almost to preclude a farmer, who labors under that inconvenience, from market altogether. Hence he produces but little, satisfied if his production is sufficient for his own consumption. Owing to the causes stated, the farmers along the route of the Hannibal and Saint Joseph railroad are for the most part small producers. But if that road should be constructed, the inconvenience under which the farmers of Northern Missouri labor would be removed. The markets of the country would be as accessible to them as they are now to those living immediately upon the Missouri river. The energies of our people would thereby be stimulated, their productivity would be increased, and a new and important trade would spring up between the farmers of the interior of Missouri and their brethren of the East. The agricultural products of the former would be exchanged for the fabrics of the latter, and twice would be realized the advantages to the whole country that has never failed to be manifested upon the settlement and cultivation of our waste lands. This is a result desirable at all times, but more especially so in times like the present, when the feelings of the different parts of the Union are becoming alienated from each other, and dissolution is proclaimed as an event near at hand. Every friend of this country must deeply deplore such a state of things. But mere regrets are useless. Patriotism enjoins upon us action, and duty requires that we turn aside the threatened calamity—a calamity in comparison with which all other evils, actual or probable, are paltry and contemptible. It is confidently believed that the opening of new and better channels of intercommunication between the various sections of the country, as it will bring our people into more intimate relations with one and another, and illustrate the unity of our interests, so it will tend to strengthen the bonds of our Confederacy. In this view the bill under consideration calls as earnestly upon the friend of the Union for support.

as it does upon the friend of Missouri. Let me not be misunderstood. I would not have Congress exercise any doubtful powers. For I believe that it is legislation of that kind which has brought upon us our present difficulties and embarrassments. But I believe that the principle involved in the proposed grant to the State of Missouri is in strict conformity to the Constitution. If I thought otherwise, I would never urge the grant to be made. Again: Public attention is already turned to the importance of opening an improved communication of some sort with our possessions that lie along the Pacific Ocean. All seem to admit that such a communication should be established, and the general sentiment is evidently in favor of a railroad, if practicable, across our own territories. Now, if such a work shall ever be constructed, (and that it will be constructed sooner or later, is certain,) the Hannibal and Saint Joseph *road* must form an important connection with it. Hannibal and Saint Joseph are both in about  $39\frac{1}{2}$ ° north latitude, and consequently nearly midway between the northern boundary of the United States and the mouth of the Mississippi river. If the great National Pacific railway shall scale the Rocky Mountains at the South Pass, then the Hannibal and Saint Joseph road will be on the direct line from Baltimore, Philadelphia, or New York, to the grand avenue of transcontinental communication. If the Pacific road shall cross the Rocky Mountains at some more southern point than the South Pass, still the Hannibal and Saint Joseph road will be a link for connecting the great national highway with the cities already mentioned; or, turning a little to the north with the lakes at Chicago, or deflecting a little to the south with the Ohio river at Cincinnati. In any point of view, therefore, the Hannibal and Saint Joseph railroad must constitute an important branch of that line of communication across the continent, which the interests of our country not less than the wishes of our people require should be made at the earliest period possible, consistent with prudence and propriety.

But perhaps it will be said that the Hannibal and Saint Joseph railroad will not be constructed, even if the proposed grant be made, on account of the thinly settled condition of the country through which that work will pass. If this were so, it could hardly be a good reason why the grant should not be made. For by the terms of the bill Government would part with but very little land unless the road were completed. But the objection is not true in point of fact. Make the grant, and the road will be made also. In order to ascertain the probable amount of business that would be transacted upon the Hannibal and Saint Joseph railroad, immediately upon its completion, I would refer you to the document already quoted, viz: Senate Doc. No. 178, of the first session of the last Congress. In addition to what is therein contained, I would beg leave to call your attention to the fact, that nearly all the thoroughfares in the United States are supported by "*local business*." It is admitted that for some years to come, the amount of through business upon the Hannibal and Saint Joseph railroad will be small compared with the amount of business of the same character transacted upon many of the railroads in the United States. But the local business upon that road will be very heavy at first, and will continually and for years rapidly increase. The country through which it will pass, as has been already affirmed, is very fertile. It is susceptible, when properly cultivated, of producing as large a surplus as almost any other purely agricultural section of the Union. And its capacity will be demonstrated as soon as a commercial channel is opened through it, but not until then.

For the purpose of establishing the position above taken, that most of the thoroughfares in the United States are supported by local business, I make the following extracts from House report No. 145, of the second session of the thirtieth Congress, pages 26 and 27:

"The results of business on all lines of public travel and transportation in this country and Europe, show that on any long line the local support is the main

support; and without a large amount of local business, no railroad in this country would pay its expenses. \* \* \* \* \*

"On the Erie canal from Buffalo to Albany, for the first three years after completion, the through business was only  $2\frac{1}{2}$  per cent. of the whole business on the canal; that is, the local or way business was 39-40ths. On the Hudson river, which is one of the greatest thoroughfares in the country, the number of way passengers, that is, of persons going by steamboat a part of the way between Albany and New York, is far greater than those going through the entire distance. Indeed, it might be safe to say that the passage money received from way passengers, is greater than from the through passengers on the river. The railroad from Boston to Albany, of about two hundred miles in length, is also a great thoroughfare. The Western Railroad Corporation, whose road extends from Worcester to Albany, about 150 out of this 200 miles, fully confirms this statement. The late superintendent of that road, Mr. Barnes, gives the following as the result of the passenger receipts for the years during which the accounts were so kept, as to show the comparative receipts from through and way passenger

	Through Passengers.	Way Passengers
1843	\$78,002 76	\$197,136 89
1844	105,628 00	253,066 00
1845	86,350 40	280,402 50
	<hr/> 269,981 16	<hr/> 730,605 39

"If data were furnished for the whole distance between Boston and Albany, the proportion of way travel on the through route would of course have been greater. \* \* \* \* \* The through business on this road would have fallen short of the annual expenses of this road. \* \* \* \* \* \* \* \* \* \* \*

"In the annual report of the Baltimore and Ohio railroad, for the year 1848, the following statement, in relation to the Washington branch:

"The number of passengers carried on this road has been, during the past year, 151,683 for various distances, equivalent to the conveyance of 3,834,701 a distance of one mile. Of these, the through passengers numbered 17,038 on the road, 528,178 a distance of one mile, and constituting about one-seventh of the whole number; showing that it is mainly the local travel which sustains the road.

"D. A. Neal, Esq., the President of the Eastern railroad, in a letter to the chairman of the committee, under date of the 25th December, 1848, states the following as the receipts by the various railroad companies for passengers between Boston and Portland:

Through passengers	-	-	-	\$101,020 00
Local or way travel	-	-	-	304,344 40
				<hr/> 405,365

"These facts," continue the committee, "it is believed, most abundantly sustain the proposition advanced in relation to the necessity of border support for a road."

Now, for the reasons above set forth, the border support of the Hannibal and Joseph railroad will be very great, and consequently the fear of its non-completion in the event of the passage of the present bill, are groundless.

Very respectfully, I am, sir, your obedient servant,

WILLARD P. H.

Hon. ALPHEUS FELCH,

Chairman of the Committee on Public Lands, U. S. Senate.

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